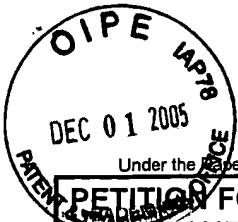


DAC
JFW



PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
CR-1331

First named inventor: Sarah F. Frisken

Application No.: 09/833,515

Art Unit: 2128

Filed: April 12, 2001

Examiner: Fred O. Ferris III

Title: Method and System for Modeling Interaction of Objects

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of payment of issue fee and publication fee (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,700.00

- ☐ has been paid previously on _____
- ☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/02/2005 TBESHAH 00000016 500749 09833515

01 FC:1453 1500.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

_____ Signature	October 18, 2005 Date
Andrew J. Curtin _____ Typed or printed name	48,485 Registration Number, if applicable
Mitsubishi Electric Research Laboratories, Inc. _____ Address	(617) 621-7573 Telephone Number
201 Broadway, 8th Floor, Cambridge, MA 02139 _____ Address	

Enclosures: ☒ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____


CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

October 18, 2005
Date



Signature
Clifton D. Mueller

Typed or printed name of person signing certificate



CR-1331
Frisken et al.
09/833,515

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Frisken et al.

Serial No.: 09/833,515

Filed: April 12, 2001

:

:

: Group Art Unit: 2128

:

: Examiner: F. Ferris III

:

For: METHOD AND SYSTEM FOR MODELING INTERACTION OF
OBJECTS

**RENEWED PETITION UNDER 37 CFR 1.137(b) TO REVIVE
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY
AND TO PAY ISSUE FEE**

Mail Stop: Petitions
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

I hereby certify that this paper or fee is being
deposited with the U.S. Postal Service as First
Class Mail addressed to the Commissioner for
Patents, Box 1450, Alexandria, VA 22313-1450

on November 29, 2005

Clifton D. Mueller
Signature: Clifton D. Mueller

Sir:

Please consider the following renewed petition.

Remarks

This Petition is to request (i) reconsideration of the Petition under 37 CFR 1.137(b) filed on October 20, 2005; (ii) that above referenced application, which was unintentionally abandoned on August 23, 2005 due to the failure to timely pay the Issue Fee for a Notice of Allowance dated May 20, 2005 and having a response time up to and including August 20, 2005, be revived; and (iii) that the payment of the Issue Fee due from the Notice of Allowance set forth under 37 CFR 1.18(a) submitted on October 20, 2005 be entered.

- 1.) The present application was filed on April 12, 2001.
- 2.) A Notice of Allowance was mailed on May 20, 2005.
- 3.) On August 23, 2005, the Office mailed a Notice of Abandonment for failure to timely pay the issue fee.
- 4.) On October 18, 2005, Applicant mailed a Petition to Revive under 37 CFR 1.137(b) to Revive Application for Patent Abandoned Unintentionally and to Pay Issue Fee, which included payment of the issue fee.
- 5.) The Office mailed a Decision on Petition on November 22, 2005, dismissing the Petition to Revive under 37 CFR 1.137(b) for lack of signature.

- 6.) The entire delay in filing the issue fee in response to the Notice of Allowance dated May 20, 2005, until the filing of this Renewed Petition under 37 CFR 1.137(b) was unintentional. This Renewed Petition is filed within two months of the mailing date of the Decision on the Petition mailed on November 22, 2005.
- 7.) Because the application was filed after June 8, 1995, no terminal disclaimer or disclaimer fee is required.
- 8.) A copy of the Issue Fee Transmittal, a signed copy of the Petition to Revive under 37 CFR 1.137(b), and a copy of the Decision on Petition mailed on November 22, 2005 are submitted herewith.

In view of the foregoing, it is respectfully submitted that the delay was unintentional under 37 CFR 1.137(b). Accordingly, it is respectfully requested that (i) the petition to revive under 37 CFR 1.137(b) be reconsidered; (ii) the payment of the Issue Fee submitted on October 18, 2005, be entered; and (iii) the active status of the above referenced application be acknowledged.

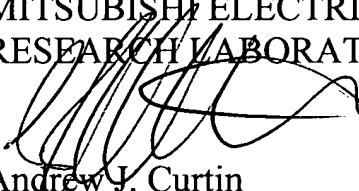
It is respectfully requested that the undersigned be contacted by telephone at the below listed telephone number, in order to expedite resolution of any remaining issues, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 CFR 1.136 is hereby made. Please charge any shortage in fees due in connection

with the filing of this paper, including petition and extension of time fees, to Deposit Account 50-0749 and please credit any excess fees to such deposit account.

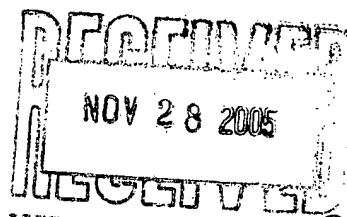
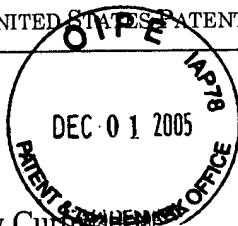
Respectfully submitted,

MITSUBISHI ELECTRIC
RESEARCH LABORATORIES, INC.



Andrew J. Curtin
Registration No. 48,485

201 Broadway, 8th Floor
Telephone (617)-621-7573
Facsimile (617)-621-7550
DATE: November 28, 2005



Andrew Curnutt
Patent Department
Mitsubishi Electric Research Laboratories, Inc.
201 Broadway, 8th Floor
Cambridge MA 02139

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NOV 22 2005

OFFICE OF PETITIONS

In re Application of
FRISKEN et al.
Application No. 09/833,515
Filed: April 12, 2001
Attorney Docket No. CR-1331

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 20, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed May 20, 2005, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 23, 2005.

The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in § 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was

unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy the above requirement (3) since the statement was unsigned and is therefore unacceptable. See 37 CFR §§ 1.4(d)(1) and 33(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4787.



Denise Pothier
Petitions Examiner
Office of Petitions